



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE May 20, 2016 EFFECTIVE DATE June 4, 2016	CONTACT/PHONE Holly Phipps (805) 781-1162 hhipps@co.slo.ca.us	APPLICANT John and Jill Backer	FILE NO. DRC2014-00144
SUBJECT A request by STEPHEN BACKER for a Minor Use Permit (DRC2014-00144) to allow the expansion of an existing winery to allow the construction of a 984 square foot (sf) building to include a 717 sf tasting room, 91 sf commercial kitchen, 68 sf office, 70 sf retail area and 48 restroom. The existing 110 sf tasting room/area located in the wine processing/barrel storage building will be converted into production area. The applicant is proposing to increase annual case production 3,000 cases to 10,000 cases. The applicant is requesting 6 special events annually for up to 80 guests. No outdoor amplified is proposed. The project will result in the disturbance of approximately 1,500 square feet on a 32 acre parcel. The proposed project is within the agriculture land use category and is located at 8790 East Highway 41, north of the community of Creston. The site is in the El Pomar-Estrella Sub-area of the North County planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2014-00144 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 4, 2016 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, public services, and water / hydrology and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 035-111-022	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: North County Area Plan – El Pomar-Estrella Sub-area, Land Use Category Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.10.140 Setbacks, Section 22.10.090 Heights, Chapter 22.18 Parking and loading, Section 22.30.610 Temporary Events, Section 22.04.190 Fencing and Screening, Chapter 22.20 Sign Ordinance, Section 22.10.180 Water quality, Section 22.10.120 Noise Standards <i>Does the project conform to the Land Use Ordinance standards? : Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on June 4, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single Family Residence, Olive Grove, Vineyards, Wine Processing with Tasting Room, Wells, Grazing	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture /agricultural <i>East:</i> Agriculture /agricultural <i>South:</i> Agriculture /agricultural <i>West:</i> Agriculture / agricultural	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, Building Division, CAL FIRE, California Fish and Wildlife, Cal Trans, Regional Water Quality Control Board, Bicycle Advisory Committee, and Creston Advisory Body,	
TOPOGRAPHY: Gently sloping to Gently Rolling	VEGETATION: Agriculture, Vineyards, Olive Groves
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: June 18, 2015

PROJECT DESCRIPTION

The site has an existing 1,750 sf winery and tasting room currently in operation. The proposed project is a request for a 984 sf winery expansion that will include a 717 sf tasting room, 91 sf commercial kitchen, 68 sf office, 70 sf retail area and 48 restroom. The existing 110 sf tasting room/area located in the wine processing/barrel storage building will be converted into production area.

The existing winery operation includes on-site crushing, fermenting, barrel aging, blending, bottling, and case good storage. Case production is proposed to increase from 3,000 cases to 10,000 cases annually.

The applicant is requesting 6 special events with up to 80 guests. The winery will also participate in periodic industry-wide events as currently allowed by the Land Use Ordinance (LUO). Any special event with amplified music shall only be allowed from 10 a.m. to 5 p.m. as allowed per the LUO, Section 22.30.070.D.2.i.(3). The applicant is not proposing any outdoor amplified music before 10 a.m. or after 5 p.m.

PROJECT HISTORY

The previous Minor Use Permit (DRC2005-000270) authorized a winery and small tasting room that has been operating since 2007. The project included the conversion of an existing 1,750 sf agricultural barn into a 1,640 sf winery with a 110 sf tasting room and 3,000 cases of wine per year. Special Events were not authorized.

PROJECT ANALYSIS

Ordinance compliance:

The project is subject to Land Use Ordinance section 22.30.070D(2), section 22.20, section 22.18, and section 22.30.610 wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

As conditioned, the project complies with the requirements of the Land Use Ordinance as follows:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Minimum Site Area (Section 22.30.070)	20 acres	32 acres	Yes
Access location (Section 22.30.070)	Wineries with tasting rooms, retail sales located within 1 mile of arterial or collector	Highway 41 is the access road and is an arterial road.	Yes
Setbacks from residences outside of the ownership of the applicant (Section 22.30.070)	200 feet for wine processing buildings 400 feet for tasting room	Front: 1,490 feet Side: 750 feet Side: 740 feet Rear: 280 feet Front: 600 feet Side: 700 feet Side: 1,000 feet Rear: 1,000 feet	Yes
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room (located on one parcel: 035-111-022)	Front: 360 feet Side: 500 feet Side: 260 feet Rear: 320 feet Front: 270 feet Side: 280 feet Side: 500 feet Rear: 420 feet	Yes
Setbacks of Tasting room to Processing Facility (Section 22.30.070)	Tasting Room must be within 200 feet of the wine processing facility	50 feet	Yes
Height (Section 22.30.070 & 22.10.090)	35 feet	20 feet 6 inches	Yes
Signs (Section 22.20)	<ul style="list-style-type: none"> One monument sign Maximum of aggregate area of 100 sf of signing per site Maximum area of 40 sf Maximum height of 5 ft. 	Currently there is a sign at the primary entrance of the property, no new signs are proposed. All signage will comply with Section 22.20 requirements.	Yes

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> • Special events limited to 40 days per year; • Amplified music shall not occur before 10 a.m. and after 5 p.m.; • Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines 	The proposal includes a special event program with six events with no more than 80 guests. These events will not have outdoor amplified music before 10am and after 5pm during these events.	Yes
Design Exterior (Section 22.30.070)	Agricultural or residential in nature	The exterior design is Agrarian and will comply with agricultural/residential design standards suggested in the Land Use Ordinance.	Yes
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	Project includes the construction of a 984 sf tasting room and the conversion of the existing tasting room into production and case storage.	Yes
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> • Winery wastewater - standards set through RWQCB • Domestic wastewater - leach lines shall be located at least 100 feet from any private well 	<ul style="list-style-type: none"> • Currently has discharge permit from RWQCB for previous project and qualifies for a waiver from individual permit requirements. • Allowance will be updated with case production expansion. 	Yes
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Pomace will be composted on site	Yes, as conditioned
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	Future lighting is conditioned to follow ordinance requirements	Yes, as conditioned
Screening/ Landscaping (Section 22.30.070)	Screening if visible from public road (sections of the project can be seen from Highway 41.)	Structures will be screened by existing olive orchard, fruit trees.	Yes

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Parking 1 per 2,000 sf active 1 per 5,000 sf of storage 1 per 200 sf of tasting room (Section 22.18)	$1285 / 2,000 = 0.64$ $732 / 5,000 = 0.14$ $717 / 200 = 3.5$ total Total required: 4.3 (5) plus 1 ADA	Total Spaces Provided: 8 plus 1 ADA	Yes
Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 200 person event would require 32,000 sf	Space exists across from the secondary entrance to the site.	Yes
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points	The winery has an existing primary access; Secondary access will be provided by an existing gate east of the primary access point on Highway 41.	Yes
Design and Operation Standards / Fire Protection (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by CAL FIRE	Project designed to meet CAL FIRE standards	Yes, as conditioned
Design and Operation Standards / Water Supply and sanitation (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by the Health Department	Project designed to meet Health Department Standards	Yes, as conditioned
Permit Requirement (Section 22.62.050)	Minor Use Permit approval for 6 or more special events or when there will be more than 80 guests attending	25 special events with up to 200 guests	Yes, applicant has applied for a Conditional Use Permit or Minor Use Permit approval

PLANNING AREA STANDARDS

Light and Glare

At the time of application for any land use permit or land division, the applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

Staff Response: The proposed project is conditioned to meet this standard. At the time of construction permit application, the applicant shall provide details on any proposed exterior lighting.

ENVIRONMENTAL

Per Resolution 2015-288 new water demands shall be off-set. Prior to final building permit approval, the applicant will have to provide water calculations to the Planning Department to determine if any water off-sets are required. The applicant is proposing to remove a 1,250 sf

existing lawn. Therefore, it is not anticipated that the proposed project will have a significant effect on the environment.

CRESTON ADVISORY GROUP (CAB)

CAB had no issues or concerns with the proposed project.

AGENCY REVIEW

Public Works – The proposed project does not trigger road improvements per Resolution 2008-152.

Environmental Health – No comments submitted;

Agriculture Commissioner – Less than significant impacts to agriculture; incorporate best management practices for water conservation purposes throughout winery facility;

CAL FIRE – See attached Fire Safety letter dated August 10, 2015.

Environmental Health – June 5, 2015. Applicant to obtain a Health Permit with San Luis Obispo County Environmental Health Services for commercial kitchen; an annual permit may be required for the water supply at this facility;

Building Division – A building permit is required.

Cal Trans – No comments submitted;

Regional Water Quality Control Board – No comments submitted;

California Department of Fish and Wildlife – No comments submitted;

Bicycle Advisory Committee – No comments submitted.

LEGAL LOT STATUS

The lot was legally created by deed transfer and lot merger at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.